

IN THE SUPREME COURT OF THE STATE OF NEVADA

HIGH NOON AT ARLINGTON RANCH
HOMEOWNERS ASSOCIATION, A
NEVADA NON-PROFIT CORPORATION,
FOR ITSELF AND FOR ALL OTHERS
SIMILARLY SITUATED,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF CLARK,
AND THE HONORABLE SUSAN
JOHNSON, DISTRICT JUDGE,
Respondents,
and
D.R. HORTON, INC.,
Real Party in Interest.

No. 52798

FILED

JAN 28 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DENYING MOTION TO HOLD WRIT PROCEEDING IN
ABEYANCE OR FOR AN EXTENSION OF TIME TO FILE ANSWER


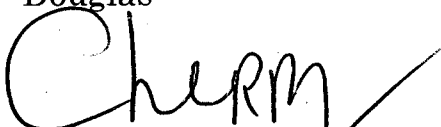

This original petition for a writ of prohibition or mandamus challenges a district court order that granted partial summary judgment in a constructional defect action. In the order, the court concluded that petitioner, a homeowners association, did not have standing to pursue constructional defect claims on behalf of its members against real party in interest.

On January 9, 2009, this court entered an order directing real party in interest to file an answer to the petition within 20 days from that order's date. Currently before this court is real party in interest's motion requesting that we hold this writ proceeding in abeyance, pending the resolution of petitioner's counsel's district court motion to withdraw as petitioner's counsel. According to real party in interest, a district court

hearing on petitioner's counsel's motion is scheduled for February 17, 2009. Alternatively, real party in interest requests an extension of time to file its answer—20 days from the February 17 district court hearing.

Real party in interest bases its requests on its uncertainty whether, presuming the district court grants petitioner's counsel's motion to withdraw, petitioner will obtain new counsel to represent it in this writ proceeding.¹ See Guerin v. Guerin, 116 Nev. 210, 214, 993 P.2d 1256, 1258 (2000) (providing that a trust, company, or other similar entity must be represented in judicial proceedings by an attorney licensed to practice law in Nevada); Salman v. Newell, 110 Nev. 1333, 1336, 885 P.2d 607, 608 (1994) (same). Having considered real party in interest's motion, we conclude that neither holding this proceeding in abeyance nor an extension of time to file the answer is warranted. Accordingly, we deny the motion.

It is so ORDERED.

_____, J.
Douglas
_____, J.
Cherry
_____, J.
Gibbons

¹Real party in interest's uncertainty notwithstanding, it appears from the copy of petitioner's counsel's motion to withdraw attached to real party in interest's motion that petitioner intends to obtain new counsel.

cc: Hon. Susan Johnson, District Judge
Quon Bruce Christensen Law Firm
Wood, Smith, Henning & Berman, LLP
Eighth District Court Clerk